

Hold



Hold

DANIEL M. HERRIGAN

2011 NOV 22 PM 4:41

SUMMIT COUNTY IN THE COMMON PLEAS COURT
CLERK OF COURTS SUMMIT COUNTY, OHIO

KRISTEN M. SCALISE, : Case No.: CV 2011-04-2221
as Fiscal Officer of :
Summit County, Ohio : Assigned to Judge Gallagher

Plaintiff :
:
:
Permanent Parcel Number:
:
-vs- : 33-03804(RTG-NF-0034-06-003.002)
: 33-03805(RTG-NF-0034-01-001)
BEDFORD ANODIZING REALTY: 40-00533(RTG-NF-0039-03-006.001)
CO., INC., et al. :
:
Defendant : JUDGMENT OF FORECLOSURE
:
:

This cause came on to be heard before this Court on the Complaint of the Plaintiff, Kristen M. Scalise, Fiscal Officer of Summit County, Ohio, for foreclosure of liens for delinquent real estate taxes, and the evidence.

The Court finds that all parties to this action have been served by Federal Express, which is hereby approved according to law and that the defendants, National City Bank and Houghton Metal Finishing Co., have failed to answer the complaint and have by reason thereof, confessed the allegations therein contained to be true.

Defendants Bedford Anodizing Realty Co., Inc., Bedford Anodizing Co., Inc. and Society National Bank filed answers in this action.

Defendants Ohio Bureau of Workers Compensation and Limbach, Inc., dba, Johnson Industries disclaimed interest in this action and were dismissed as party

X

defendants.

Plaintiff's Motion for Summary Judgment was supported by credible evidence in the form of an affidavit and supporting papers. There has been no response by the Defendants Bedford Anodizing Realty Co. Inc. and Bedford Anodizing Co., Inc. The Court hereby adopts the facts and evidence submitted by Plaintiff.

The Court further finds that the proceedings in the within case have complied with those proceedings set forth in Chapter 5721 of the Ohio Revised Code.

The Court further finds that there is due on said parcel(s):

1. All taxes, assessments, penalties, interest, and other charges, if any, which are due and unpaid, as of the date of the delivery of the Delinquent Land Tax List to the Prosecuting Attorney by the County Fiscal Officer which date is reflected on the Delinquent Land Tax List for said parcel;
2. All taxes, assessments, penalties, interest, and other charges, if any, due and payable subsequent to the date of the delivery of the Delinquent Land Tax List to the Prosecuting Attorney by the County Fiscal Officer and prior to the entry of the Confirmation of Sale; and
3. All court costs incurred in this proceeding, including the cost of the Judicial Reports filed in the within proceeding and costs of the Sheriff, all of which costs the Court finds are necessary costs in this proceeding.

All of such amounts will be ascertained at the time of the sale, and the total of all of such amounts constitute the total amount of the Findings of the Court and also constitutes the "Minimum Bid" for the parcel as defined by the Statutes of Ohio.

The Court further finds that for all such taxes, assessments, penalties, interest, and other charges, if any, the complainant has a good and valid first lien on said parcel as described in Exhibit "A" hereto.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the within action shall proceed according to Chapter 5721 of the Ohio Revised Code.

It is further ORDERED that unless:

- (a) prior to the filing of an entry confirming the sale, there is tendered to the County Fiscal Officer an amount sufficient to pay the full amount all taxes, assessments, penalties, interest, and other charges, if any, found to be due and unpaid together with all costs incurred in this proceeding;
or,
- (b) prior to the time such parcel is first offered for sale, any person entitled to redeem the parcel enters into a written undertaking with the County Fiscal Officer according to law for the payment of taxes, assessments, penalties, interest, and other charges, if any, found herein to be due and unpaid on said parcel, together with all costs incurred in this proceeding;

there shall be no further equity of redemption; except that with respect to any lien of the United States of America, the United States of America shall have the right to redeem within the time periods provided in 28 U.S.C. 2410 (c); that said lien and said equity of redemption in and to the herein described parcel shall be foreclosed; that an Order of Sale shall be issued to the Sheriff, directing him, without appraisal, to

advertise according to Section 5721.191 of the Ohio Revised Code and separately sell said parcel at public sale in the manner provided by law for the sale of real property on execution and according to Section 5721.19 of the Ohio Revised Code and the applicable Rules of the Summit County Common Pleas Court, for not less than the total amount of the findings herein which shall constitute the "MINIMUM BID"; and, that the Sheriff make due return to this Court, for further proceedings under law.

It is further ORDERED that upon the confirmation of the sale, the proceeds thereof shall be applied by the Sheriff as follows:

1. The costs incurred in this proceeding as fixed in the "Minimum Bid";
2. The taxes, assessments, penalties, interest and other charges, if any, as fixed in the "Minimum Bid"; and;
3. The balance, if any, to the Clerk of Courts, pending the further order of this Court.

It is further ORDERED that upon the sale of the within described premises and the confirmation of sale thereof, the Sheriff of Summit County, Ohio, shall issue a Deed in accordance with law.

It is further ORDERED that such taxes and special assessments, or installments of special assessments, and any other assessments, which are not legally due and payable according to law at the time of the Confirmation of Sale, shall not be abated or removed from the tax duplicates and records in the Office of the Fiscal Officer of Summit County, Ohio, but shall be and remain a first and best lien on the premises heretofore described, and the purchaser shall take such premises subject to all such taxes and assessments.

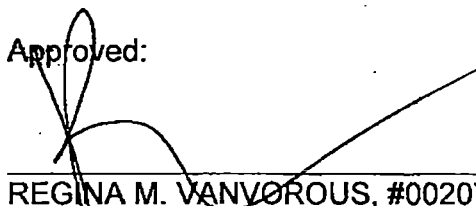
It is further ORDERED that unless said parcel is previously redeemed pursuant to Section 5721.25 of the Ohio Revised Code, upon the filing of the entry of confirmation of sale, the title to said parcel shall be incontestable in the purchaser, and shall be free and clear of all liens and encumbrances, except such easements and covenants of record running with the land as were created prior to the time the taxes or assessments, for the nonpayment of which said parcel is sold at foreclosure, became due and payable.

It is further ORDERED that, except as otherwise herein ORDERED and as provided in Exhibit "A", any defendant parties owning or claiming any right, title, or interest in, or lien upon said premises, together with such who may have right of dower, shall be and they are forever barred from asserting any right, title, or interest in said premises.

Plaintiff shall serve notice upon all counsel of record prior to the Sheriff's Sale in accordance with Summit County Rule 11.06.

IT IS SO ORDERED.


JUDGE GALLAGHER

Approved: 
REGINA M. VANVOROUS, #0020786
Assistant Prosecuting Attorney
53 University Ave., 7th Floor
Akron, Ohio 44308
(330) 643-8409 (330) 643-8540 - FAX
Attorney for Plaintiff

See signature attached
MARC B. MERKLIN, Esq.
Attorney for Defendant Bedford
Anodizing Realty Co., Inc. and Bedford
Anodizing Co., Inc.

Seen but not approved
DEAN D. GAMIN, Esq.
Attorney for Defendant Society National
Bank

SW



MARC B. MERKLIN, Esq.
Attorney for Defendant Bedford
Anodizing Realty Co., Inc. and Bedford
Anodizing Co., Inc.

DEAN D. GAMIN, Esq.
Attorney for Defendant Society National
Bank

SW

Permanent Parcel No.: 33-03804(RTG-NF-0034-06-003.002)

Full Street Address: Empire Parkway (vacant land), Northfield, Ohio

Description: Lot 18 E of Private Dr. 329.12 Ft. Frt.

The complete legal description can be obtained at the Summit County

Auditor's Office, 175 S. Main Street, Akron, Ohio 44308.

Name(s) and Street Address of Last Known Owner(s):

Bedford Anodizing Realty Co., Inc.,

7860 Empire Parkway, Macedonia, Ohio 44056

Amount of Judgment (1) for Taxes: \$ 12,977.79 for Court

Costs: \$ _____; "MINIMUM BID": \$ _____

LIENHOLDERS: SOCIETY NATIONAL BANK, c/o Dean D. Gamin, Esq., will receive the proceeds from the sale, above the "MINIMUM BID", pursuant to further Order of this Court.

EXHIBIT A

Permanent Parcel No.: 33-03805(RTG-NF-0034-01-001)

Full Street Address: 7860 Empire Parkway, Northfield, Ohio

Description: Lot 18 SE of Private Dr. Empire Parkway

The complete legal description can be obtained at the Summit County

Auditor's Office, 175 S. Main Street, Akron, Ohio 44308.

Name(s) and Street Address of Last Known Owner(s):

Bedford Anodizing Realty Co., Inc.,

7860 Empire Parkway, Macedonia, Ohio 44056

Amount of Judgment (1) for Taxes: \$ 1,326,979.28 for Court

Costs: \$ _____; "MINIMUM BID": \$ _____

LIENHOLDERS: SOCIETY NATIONAL BANK, c/o Dean D. Gamin, Esq., will receive the proceeds from the sale, above the "MINIMUM BID", pursuant to further Order of this Court.

EXHIBIT A

Permanent Parcel No.: 40-00533(RTG-NF-0039-03-006.001)

Full Street Address: Twinsburg Road (vacant land), Northfield, Ohio

Description: Lot 19 S of Vill Line

The complete legal description can be obtained at the Summit County

Auditor's Office, 175 S. Main Street, Akron, Ohio 44308.

Name(s) and Street Address of Last Known Owner(s):

Bedford Anodizing Realty Co., Inc.,

7860 Empire Parkway, Macedonia, Ohio 44056

Amount of Judgment (1) for Taxes: \$ 426.01 for Court

Costs: \$ _____; "MINIMUM BID": \$ _____

LIENHOLDERS: SOCIETY NATIONAL BANK, c/o Dean D. Gamin, Esq., will receive the proceeds from the sale, above the "MINIMUM BID", pursuant to further Order of this Court.

EXHIBIT A